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# State Register :

# Judicial Notice Shall Be Taken of Material Published in the State Register

The State Register is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A Contracts Supplement is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

<b>Printing Sc</b>	hedule and Submission De	eadlines		
Vol. 19 Issue PUBLISH Number DATE		Deadline for both C Adopted and Proposed S	dline for: Emergency Rules, Executive and nmissioner's Orders, Revenue and Official Notices e Grants, Professional-Technical-Consulting stracts, Non-State Bids and Public Contracts	
40	Monday 3 April	Monday 20 March	Monday 27 March	
41	Monday 10 April	Monday 27 March	Monday 3 April	
42	Monday 17 April	Monday 3 April	Monday 10 April	
43	Monday 24 April	Monday 10 April	Monday 17 April	
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Room 231 State Capitol, St. Paul, MN 55155

### HOUSE

tatives; news on committee meetings and action. House action and bill introductions.

This Week-weekly interim bulletin of the House.

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Contact: House Information Office (612) 296-2146

Room 175 State Office Building, St. Paul, MN 55155

Minnesota Rules: Amendments & Addition Vol. 19, #40 (issues #1-39 cumulative in #39)		State Grants	
		Human Services Department	
Proposed Rules		Proposals sought for services for chemically dependent	20.40
Human Services Department Conditions for medical assistance and general assistance medical care payment	2027	Prorfessional, Technical & Consulting Contracts	2048
Labor and Industry Department		Contracts	
OSHA; incorporation by reference	2031	Administration Department	
Executive Orders		Proposals sought for professional assessment, counseling, education and consultation services from employee assistance providers for sites in 17 locations in Minnesota	2040
Governor's Office  Executive Order # 95-1: Providing for personnel and equipment for the Monticello Nuclear Power Plant drill and exercise	2035	Proposals sought by State Designer Selection Board for St. Cloud State University project for high voltage distribution upgrade/utility tunnel extension	
Commissioner's Orders		<b>Corrections Department</b>	
Agriculture Department Best management standards for care of dogs and cats		Proposals sought for inmate medical services at Oak Park Heights Correctional Facility	2052
by dealers, commercial breeders and brokers pursuant	2036	Proposals sought for dental services at Oak Park Heights Correctional Facility	2052
Revenue Notices		Employee Relations Department	
Revenue Department Revenue Notice # 95-3: Disclosure: treatment of public		Proposals sought for provision of communication services to the State of Minnesota	2052
sales tax returns	2039	Human Services Department	
Official Notices		Proposals sought for medical services of a psychiatrist and a radiologist for Brainerd Regional Human Services Center	2053
Minnesota Comprehensive Health Association Meeting of the Enrollee Appeal Committee Wednesday		Investment Board	
15 April 1995	2040	Intent to retain private money management firms	2053
Human Services Department		Revenue Department	
Opening of the Minnesota Neurorehabilitation Hospital and Rates	2040	Proposals sought for production of direct response videos	2054
Labor and Industry Department Prevailing wage certifications for commercial construction projects	2040	Non-State Public Bids, Contracts & Grant	S
Secretary of State's Office		Aitkin County Parks Commission	
Vacancies in multi-member agencies	2041	Proposals sought for a project at Long Lake Conservation Center—Palisade, Minnesota	2056
Teachers Retirement Association Regular meeting of the Board of Trustees Thursday 20 April 1995	2046	State Contracts, RFPs & Advertised Bids: Commodities and requisitions are advertised in the State Register Contracts Supplement, published	
Trade and Economic Development Department Minnesota Agricultural and Economic Development Board public hearing on a proposed project and the issuing of bonds on behalf of New Morning Windows, Inc  Public Utilities Commission	2046	every Tuesday, Wednesday and Friday.  "Commodity Contract Awards Reports" are published every two weeks, and "Professional-Technical-Consulting Contract Awards Reports" are published monthly. Both are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.	i
Public hearings on establishing a range of environmental	2047	For subscription information call 612/296-0931.  Individual awards can be obtained from the  Materials Management Helpline 612/296-2600.	

# Minnesota Rules: Amendments and Additions:

#### NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the State Register.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the Official Notices section of the State Register. When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety in the State Register, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the Minnesota Guidebook to State Agency Services.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the State Register, a subscription, the annual index, the Minnesota Rules or the Minnesota Guidebook to State Agency Services, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

### Vol. 19, #40 - issues #1-39 cumulative in #39

Labor & Industry Department	
5205.0010 (proposed)	2031
Human Services Department	
9505.5000; .5005; .5010; .5020; .5025; .5105 (proposed)	2027
9505.5010, s.2; .5015 (proposed repealer)	2027

# **Proposed Rules**

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the State Register. The notice must advise the public:

- 1. that they have 30 days in which to submit comment on the proposed rules;
- 2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
- 3. of the manner in which persons shall request a hearing on the proposed rules; and
- 4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the State Register.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

# **Department of Human Services**

# Proposed Permanent Rules Relating to Conditions for Medical Assistance and General Assistance Medical Care Payment

## Notice of Intent to Adopt a Rule Without a Public Hearing

The Department of Human Services intends to adopt a permanent rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Eleanor Weber, Minnesota Department of Human Services, 444 Lafayette Rd., St. Paul, MN 55155-3816, telephone (612) 297-4301, fax number (612) 297-3173.

Subject of Rule and Statutory Authority. The proposed rule is about procedures for authorization of health services as a condition of payment to providers of health services for recipients of Medical Assistance, General Assistance Medical Care, and MinnesotaCare. The statutory authority to adopt this rule is *Minnesota Statutes*, sections 256.9352, subdivision 2; 256.991; 256B.04, subdivision 2; and 256D.03, subdivision 7. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m., Wednesday, May 3, 1995 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, May 3, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as attached and printed in the State Register. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact

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# **Proposed Rules**

person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. In preparing these rule amendments, the Department considered the requirements of *Minnesota Statutes*, section 14.115 but believes that any impact on small business falls within the exemption in section 14.115, subd. 7, clause (3) for providers of health care.

Expenditure of Public Money by Local Public Bodies. Because the proposed rule amendments have no fiscal impact and do not require the expenditure of public money by local public bodies, the requirements of *Minnesota Statutes*, section 14.11, subdivision 1 are not applicable.

Impact on Agriculture Lands. Because the proposed rule amendment does not have a direct and substantial adverse impact on agricultural land in Minnesota, *Minnesota Statutes*, section 14.11, subdivision 2 is not applicable.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 20 March 1995

Maria R. Gomez Commissioner

### **Rules as Proposed**

### CONDITIONS FOR MEDICAL ASSISTANCE AND GENERAL ASSISTANCE MEDICAL CARE REIMBURSE-MENT PAYMENT

### 9505.5000 APPLICABILITY.

Parts 9505.5000 to 9505.5105 establish the procedures for prior authorization of health services and the requirement of a second surgical opinion as conditions of reimbursement payment to providers of health services for recipients of medical assistance and, MinnesotaCare, and general assistance medical care.

These parts shall be read in conjunction with title XIX of the Social Security Act, Code of Federal Regulations, title 42, sections 430.00 to 489.57; Minnesota Statutes, sections 256.9353; 256B.01 to 256B.40; 256B.56 to 256B.71; 256D.01 to 256D.22; parts 9500.1070, subparts 1, 4, 6, 12 to 15, and 23; 9505.0170 to 9505.0475; 9505.0500 to 9505.0540; 9505.1000 to 9505.1040; and 9505.2160 to 9505.2245, and with rules adopted by the commissioner under Minnesota Statutes, sections 256.9352, 256.991, and 256D.03, subdivision 7, paragraph (b).

### **9505.5005 DEFINITIONS.**

### [For text of subpart 1, see M.R.]

- Subp. 1a. Authorization number. "Authorization number" means the number issued by:
- A. the department, or an entity under contract to the department, to issue a number to a provider for the provision of a covered health service, as specified in part 9505,5010; or
- B. the medical review agent that establishes that the surgical procedure requiring a second surgical opinion is medically appropriate.

### [For text of subps 1b and 2, see M.R.]

Subp. 3. Consultant. "Consultant" means an individual who is licensed or registered according to state law or meets the credentials established by the respective professional organization in an area of health care or medical service; is employed by or under contract with the Department of Human Services; advises the department whether to approve, deny, or modify prior criteria for the approval of authorization requests in his or her area of expertise; advises the department on and recommends to the department policies concerning health services and whether health services meet the criteria in part 9505.5045; and performs other duties as assigned.

[For text of subps 4 to 13, see M.R.]

Subp. 13a. MinnesotaCare. "MinnesotaCare" means the program established under Minnesota Statutes. sections 256.9351 to 256.9361.

[For text of subp 14, see M.R.]

Subp. 15. Prior authorization. "Prior authorization" means the written approval and issuance of an authorization number by the

department, or by an entity under contract to the department, to a provider prior to for the provision of a covered health service, as specified in part 9505.5010, prior to payment for that service.

- Subp. 16. **Provider.** "Provider" means an individual or organization under an agreement with the department to furnish health services to persons eligible for the medical assistance of, general assistance medical care, or MinnesotaCare programs.
- Subp. 17. Recipient. "Recipient" means a person who is eligible for and receiving benefits from the medical assistance of general assistance medical care, or MinnesotaCare programs.

[For text of subps 18 to 19, see M.R.]

### 9505.5010 PRIOR AUTHORIZATION REQUIREMENT.

Subpart 1. Provider requirements. Except as provided in part 9505.5015, A provider shall obtain prior authorization as a condition of reimbursement payment under the medical assistance and, general assistance medical care, and MinnesotaCare programs for health services designated under parts 9505.0170 to 9505.0475 and 9505.5025; and Minnesota Statutes, section 256B.0625, subdivision 25. The provider of the health service shall submit the request on form DHS-3065 or DHS-3066, or the American Dental Association (ADA) form as required in subpart 3, and shall submit materials, reports, progress notes, admission histories, and other information that substantiates that the service is medically necessary to treat the recipient. If the provider obtains prior authorization before the health service is provided but before payment, the provider shall be assured payment at the authorized level after the recipient has received the service. If a provider requests prior authorization after the service has been provided but before payment, the provider shall be assured of payment only if prior authorization is given. Additionally, prior authorization shall assure the provider reimbursement payment for the approved health service only if the service is given during a time the person is a recipient and the provider meets all requirements of the medical assistance of general assistance medical care, or MinnesotaCare programs.

Subp. 2. [See repealer.]

- Subp. 3. Submission of forms. The provider shall submit to the department a request for prior authorization on form, DPW-1855 DHS-3065 or DHS-3066, or the American Dental Association (ADA) form, which has been completed according to instructions in the appropriate provider handbook Minnesota Health Care Programs Provider Manual, and other information necessary to address the criteria in part 9505.5030. The provider shall bear the burden of establishing compliance with the criteria in part 9505.5030 and shall submit information which demonstrates that the criteria in part 9505.5030 are met. The provider who administers or supervises the recipient's care shall personally review and sign the form and any attached documentation.
- Subp. 4. Consequences of failure to comply. A provider who furnishes health services without emplying with the obtaining prior authorization requirements of under parts 9505.5010 to 9505.5030 shall not be reimbursed denied payment. A physician, hospital, or other provider who is denied reimbursement payment because of failure to comply with parts 9505.5010 to 9505.5030 shall not seek payment from the recipient and the recipient shall not be liable for payment of the service for which reimbursement the provider is denied payment due to lack of prior authorization.

### 9505.5020 DEPARTMENT RESPONSIBILITIES.

Subpart 1. Notification requirements. If the information submitted by the provider does not meet the requirements of part 9505.5030, the department shall notify the provider of what is necessary to complete the request; the time limit for its submission, and the provider's right to request an extension when good cause prevents the provider from complying with the time limit. If the department does not receive the requested information or a written request for an extension within 20 working days of the date appearing on the notice which was sent to the provider, the request for prior authorization shall be denied. Upon receipt of notice from the department denying an extension, the provider shall have 20 working days to submit the requested information. If the information is not submitted, the request shall be denied. Extensions shall be granted when circumstances beyond the provider's control prevent his or her compliance. The department shall send the provider, within 30 working days of receipt of all the information required in part 9505.5010, a notice of the action taken on the request for prior authorization. If the prior authorization request is denied, the department shall send the recipient within the same time period a copy of the notice sent to the provider and a statement of the recipient's right to appeal as provided in Minnesota Statutes, section 256.045.

[For text of subp 2, see M.R.]

## 9505.5025 HEALTH SERVICES PROVIDED OUTSIDE OF MINNESOTA.

Prior authorization is required for health services to be provided outside of Minnesota under part 9505.0215 must be obtained

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# **Proposed Rules**

<u>before the service is provided</u>. A health service that is provided to a Minnesota resident outside of Minnesota but within the recipient's local trade area and that would not require prior authorization if it were provided to a Minnesota resident within Minnesota shall be exempt from the prior authorization requirement.

### 9505.5105 FAIR HEARINGS AND APPEALS.

Subpart 1. Appealable actions. A recipient may appeal any of the following department actions:

- A. the department has failed to act with reasonable promptness on a request for prior authorization <u>under parts 9505.5000 to 9505.5030</u> or on an authorization request under the second surgical opinion program, as established under <del>parts 9505.5020, subpart 1, and part 9505.5090;</del>
  - B. the department has denied a request for prior authorization under parts 9505,5000 to 9505,5030;
  - C. the department has denied an authorization request under the second surgical opinion program; or
- D. the department has proposed a reduction in service as an alternative to authorization of a proposed service for which prior authorization under parts 9505.5000 to 9505.5030 was requested.

[For text of subp 2, see M.R.]

Subp. 3. Request for fair hearing. When a recipient requests assistance from a local agency in filing an appeal with the department, the local agency shall provide the assistance.

The request for a hearing must be submitted in writing by the recipient to the appeals unit of the department. The request must be filed either:

- A. within 30 days of the date notice of denial of the <u>request for</u> prior authorization <u>request under parts</u> <u>9505,5000</u> to <u>9505,5030</u> or request for authorization of a surgical procedure was received; or
- B. no later than 90 days from the date notice of denial was received if the appeals referee finds there was good cause for the delay.

[For text of subps 4 and 5, see M.R.]

REPEALER. Minnesota Rules, parts 9505,5010, subpart 2; and 9505,5015, are repealed.

# **Department of Labor and Industry**

## **Occupational Safety and Health Division**

# Proposed Permanent Rules Relating to OSHA; Incorporation by Reference

## **Notice of Adoption of Rules by Reference**

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* 182.655 (1994). This notice proposes the adoption by reference of Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* §182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307. A complete copy of the standards proposed for adoption is available by writing to this address or by calling (612) 296-2116 or (612) 297-3254.

Gary W. Bastian Acting Commissioner

#### **SUMMARY OF CHANGES**

The following is a brief summary of the proposed amendments. Persons interested in reviewing the complete *Federal Register* notices referenced below may obtain copies from the above address.

A) "Safety Standards for Fall Protection in the Construction Industry; Final Rule: Delay of Effective Date." Federal OSHA ssued a final rule on Fall Protection in the Construction Industry on August 9, 1994; the standard was scheduled to go into effect on February 6, 1995. Minnesota OSHA adopted the Fall Protection Standard on January 3, 1995, with a scheduled effective date of February 6, 1995.

On January 26, 1995, Federal OSHA published a notice delaying the application of the final standard to steel erection activities, us well as the effectiveness of certain items in the final standard, until August 6, 1995. The Agency had determined that interested persons did not receive adequate notice that Subpart M of 29 CFR Part 1926, "Fall Protection," would apply to non-building steel crection activities. The rulemaking record will be reopened for comment regarding the appropriate fall protection measures to be taken to protect employees engaged in non-building steel erection activities from fall hazards. Also stayed until August 6, 1995, are supporting amendments to Subpart E [1926.104, 1926.105, and 1926.107(b), (c), and (f)]. The purpose of the delay is to maintain the fall protection requirements for steel erection that were in effect before issuance of revised Subpart M and to permit Federal OSHA to reopen the Subpart M record for supplemental comments concerning Subpart M's coverage of non-building steel erection vork. Subpart M and supporting amendments to other subparts went into effect for all construction activity other than steel erection of February 6, 1995.

By this notice, Minnesota OSHA proposes to adopt the delayed effective date for non-building steel erection activities and supporting amendments as described in the *Federal Register* on January 26, 1995.

B) "Logging Operations, Final Rule; Partial Stay of Enforcement." On October 12, 1994, Federal OSHA issued a final rule gov-

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# Proposed Rules =

erning worker safety in logging operations. Minnesota OSHA adopted the standard on March 13, 1995. Among other things, this rule included requirements for: personal protective equipment; first aid kits at logging work sites; machine stability and slope limitations; discharge of hydraulic and pneumatic storage devices on forestry machines; protective structures on machines; machine braking systems; vehicle inspection and maintenance; and tree harvesting. Several parties raised questions about certain aspects of these requirements. After considering their questions, Federal OSHA determined that a delay in the effective date of some of the provisions is appropriate in order to allow time for it to clarify language in the regulatory text so that it most adequately expresses its intent with respect to some of these provisions, and to provide additional information on other provisions. Therefore, on February 8, 1995, Federal OSHA published a notice in the *Federal Register* delaying the enforcement of the following paragraphs of 29 CFR 1910.266, "Logging Operations," until August 9, 1995:

(d)(1)(v)	Foot Protection (insofar as it requires foot protection to be chain-saw resistant)		
(d)(1)(vii)	Eye and Face Protection (insofar as it requires face protection)		
(d)(2)(iii)	Annual Approval of First-Aid Kits by a Health Care Provider (for first-aid kits that contain all the items listed in Appendix A)		
(f)(2)(iv)	Slope Limitations on Machine Operation		
(f)(2)(xi)	Discharge of Stored Energy from Machine Hydraulic and Pneumatic Storage Devices		
(f)(3)(ii)	Machine Rollover Protective Structures		
(f)(3)(vii) and			
(f)(3)(viii)	Machine Operator Cab Protective Structures		
(f)(7)(ii)	Machine Braking Systems (insofar as it requires that parking brakes be able to stop the machine)		
(g)(1) and			
(g)(2)	Inspection and Maintenance of Employee-Owned Vehicles (insofar as they require inspection and maintenance of employee-owned vehicles)		
(h)(2)(vii)	Backcuts (insofar as it precludes backcuts at the level of the horizontal cut of the undercut when the Humboldt cutting method is used)		

By this notice, Minnesota OSHA proposed to adopt the delayed effective date for the above provisions of 1910.266 as described in the *Federal Register* on February 8, 1995.

C) "Occupational Exposure to Asbestos, Final Rule; Extension of Start-up Dates for Compliance." On August 10, 1994, Federal OSHA issued revised asbestos standards for general industry, construction and shipyards to better protect workers from lung cancer, asbestosis and other diseases caused by asbestos exposure. The new standards went into effect on October 11, 1994, and that date was the start-up date for some provisions such as the new lower exposure limit of .1 f/cc. Various other provisions, such as the new medical surveillance, respiratory protection, and training provisions and the engineering control requirements had start-up dates from between January 9, 1995, and April 10, 1995. Minnesota OSHA adopted the revised Asbestos Standards on January 3, 1995, with an effective date of January 8, 1995; start-up dates for some provisions designated in the federal standard are the effective dates for those provisions in Minnesota as well.

Federal OSHA received numerous requests for more time for the public to study and comply with some provisions of the revised standards. Federal OSHA also intends to publish a correction and clarification notice and various compliance and training materials to assist in the understanding of the new standard. After considering all of these reasons, Federal OSHA concluded that it is appropriate to give the public additional time to study and implement some of the provisions of the new asbestos standards which may require more time to implement. Other provisions, such as the new exposure limit, that did not have future start-up dates are not being extended. In the interim, the provisions of the pre-existing asbestos standards remain in effect for those provisions of the new standards whose start-up dates have been extended. The provisions for which the start-up dates have been extended to July 10, 1995, are as follows:

## General Industry:

1910.1001(d)(2) - Initial Monitoring

1910.1001(e) - Regulated Areas

1910.1001(f) - Methods of Compliance

1910.1001(g) - Respiratory Protection

1910.1001(i) - Hygiene Facilities

1910.1001(j) - Communication of Hazards

1910.1001(k) - Housekeeping

1910.1001(I) - Medical Surveillance

#### Construction:

1926.1101(g) - Methods of Compliance

1926.1101(h) - Respiratory Protection

1926.1101(j) - Hygiene Facilities

1926.1101(k) - Communication of Hazards

1926.1101(I) - Housekeeping

1926.1101(m) - Medical Surveillance

1926.1101(o) - Competent Person

#### Shipyards:

1915.1001(d)(2) - Initial Monitoring

1915.1001(e) - Regulated Area

1915.1001(f)(i) - Methods of Compliance

1915.1001(f)(2) - Compliance Program

1915.1001(g) - Respiratory Protection

1915.1001(i) - Hygiene Facilities

1915.1001(j)(7) - Employee Information and Training

1915.1001(l) - Medical Surveillance

By this notice, Minnesota OSHA proposes to adopt the delay in start-up dates for those provisions described above and as published in the *Federal Register* on February 21, 1995, and corrected in the *Federal Register* on March 1, 1995.

### **Rules as Proposed**

# 5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

[For text of subpart 1, see M.R.]

Subp. 2. Part 1910. Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

[For text of items A to Q, see M.R.]

## R. Federal Register. Volume 60:

- (1) Federal Register. Vol. 60. No. 26. dated February 8. 1995: "Logging Operations, Final Rule: Partial Stay of Enforcement."
- (2) Federal Register, Vol. 60, No. 34, dated February 21, 1995; "Occupational Exposure to Asbestos (1910.1001), Final Rule; Extension of Start-up Dates for Compliance."
- Subp. 3. Part 1915. Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the *Federal Register* on July 1, 1993; and additional changes as follows:

[For text of items A to H, see M.R.]

**KEY: PROPOSED RULES SECTION** — <u>Underlining</u> indicates additions to existing rule language. <u>Strike outs</u> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — <u>Underlining</u> indicates additions to proposed rule language. <u>Strike outs</u> indicate deletions from proposed rule language.

# Proposed Rules =

I. Federal Register, Vol. 60, No. 34, dated February 21, 1995: "Occupational Exposure to Asbestos (1915.1001), Final Rule; Extension of Start-up Dates for Compliance."

[For text of subps 4 and 5, see M.R.]

Subp. 6. Part 1926. Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the Federal Register on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the Federal Register, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

[For text of items A to J, see M.R.]

### K. Federal Register, Volume 60:

- (1) Federal Register, Vol. 60, No. 17, dated January 26, 1995: "Safety Standards for Fall Protection in the Construction Industry, Final Rule; Delay of Effective Date."
- (2) Federal Register, Vol. 60, No. 34, dated February 21, 1995: "Occupational Exposure to Asbestos (1926,1101), Final Rule: Extension of Start-up Dates for Compliance."

[For text of subp 7, see M.R.]

# Office of the Governor

# **Executive Order #95-1: Providing for Personnel and Equipment for the Monticello Nuclear Power Plant Drill and Exercise**

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Minnesota Department of Public Safety, Division of Emergency Management, has requested assistance in providing personnel and equipment to support the Monticello Nuclear Power Plant Drill and Exercise; and

WHEREAS, adequate personnel and equipment are not available from the Department of Public Safety, other participating agencies, Sherburne and Wright Counties of Minnesota, and other local authorities;

### NOW, THEREFORE, I hereby order that:

- 1. The Adjutant General of Minnesota order to active duty on or about May 10, 1995 and June 20, 1995, in the service of the State, such personnel and equipment of the military forces of the State needed by the Department of Public Safety and Sherburne and Wright Counties to successfully complete the Monticello Nuclear Power Plant Drill and Exercise.
- 2. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be paid by the Department of Public Safety, Division of Emergency Management, as provided by an interagency agreement dated July 17, 1989.

Pursuant to *Minnesota Statutes* 1994, Section 4.035, subd. 2, this Order shall be effective May 10, 1995 through June 20, 1995. **IN TESTIMONY WHEREOF**, I have set my hand this 22nd day of March, 1995.

ARNE H. CARLSON Governor

Filed According to Law:

Joan Anderson Growe Secretary of State

Joan a. Shove

# Commissioners' Orders =

# **Department of Agriculture**

Commissioner's Order: Best Management Standards for Care of Dogs and Cats by Dealers, Commercial Breeders and Brokers pursuant to 1994 Minnesota Laws, Chapter 642, Section 8

WHEREAS, the Commissioner of Agriculture has authority under 1994 Minnesota Laws, Chapter 642, Section 8 to issue an order establishing the best management standards for care of dogs and cats by dealers, commercial breeders, and brokers.

WHEREAS, the Commissioner of Agriculture has developed best management standards of care for dogs and cats by dealers, commercial breeders and brokers after consultation with persons representing dog and cat dealers, breeders and brokers including: the Minnesota Federated Humane Society, the Minnesota Council for Dog Clubs, the American Dog Owners Association, the Board of Animal Health, the Minnesota Purebred Dog Breeders Association, the Minnesota Citizens for Animal Care, the United States Department of Agriculture, the Minnesota Veterinarian Medical Association, and other interested parties.

WHEREAS, the Commissioner of Agriculture published a proposed order in the State Register requesting public comment and has considered comments submitted during the comment period.

**THEREFORE**, the Commissioner of Agriculture establishes the following order regarding the best management standards for care of dogs and cats by dealers, commercial breeders, and brokers. (The order appears in bold text. Suggestions and recommendations for implementing the order appear in italics text).

#### I. **DEFINITIONS.**

- A. ANIMALS means a dog wholly or in part of the species Canis familiaris, or a cat wholly or in part of the species Felis domesticus.
- B. CONFINEMENT AREA means a structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, crate, or hutch.
- C. HOUSING FACILITY means a room, building, or area that contains a confinement area.

### II. STANDARDS.

A. FOOD. Animals must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. (Minnesota Statutes § 346.39, subd. 1).

Animal food must meet or exceed National Research Council standards and should meet American Association of Feed Company Officials, Inc., (AFFCO) processing standards. Animals should be provided wholesome food suitable for the species at a frequency and amount appropriate for the species and age. Animals over the age of 20 weeks should be offered food at least once every 24 hours. Animals under the age of 20 weeks should be offered food at least once every 12 hours.

**B.** WATER. Animals must be provided with potable water in sufficient quantity to satisfy the animal's needs. (Minnesota Statutes § 346.39, subd. 2).

Animals should be provided access to clean, fresh, potable water in a sanitary manner at least once every 12 hours or in sufficient quantity to satisfy the animals' needs or supplied by free choice. Snow or ice is not an adequate water source. (Minnesota Statutes § 346.39, subd. 2).

C. SHELTER. Animals must be provided with adequate shelter to provide for their health and comfort.

A shelter that protects the animal from inclement weather, wind, and direct rays of the sun should be supplied for each animal. A shaded area must be provided that is sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October. (Minnesota Statutes § 346.39, subd. 4).

To obtain information regarding guidelines on shelter requirements for specific breeds contact the Commissioner's Office, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107, 612/297-2861.

D. CONFINEMENT AREA. A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit and lie in a normal position. (Minnesota Statutes § 346.39, subd. 4).

If an animal is maintained in an outdoor confinement area, that space should contain a shelter that complies with Minnesota Statutes § 343.40. If an animal is maintained in a confinement area within a housing facility used primarily to house animals, each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25 percent, expressed in square feet. The formula for computing minimum square footage is: (length of animal in inches plus 25 percent) times (length of animal in inches plus 25 percent) divided

by 144. (Minnesota Statutes § 346.39, subd. 4).

1. SURFACE AREA. The interior surfaces of all indoor confinement areas must be constructed and maintained so that they are substantially impervious to moisture, provide for rapid drainage, may be readily cleaned, kept in good repair, and protect the animal from injury. (Minnesota Statutes § 346.39, subd. 10, 11).

Confinement area flooring should be constructed of nonabrasive wire of ten gauge or larger or smooth, durable, impermeable material suitable for animals. The mesh or grid should be of a suitable size to prevent feet from passing through the openings. Sufficient space or barrier should be provided between confinement areas to ensure that no liquid or solid waste, water, or food passes from one confinement area to the other. Confinement areas should be ventilated sufficiently to allow for the free movement of air in and around the confinement area. All outdoor confinement area flooring should be impermeable material or well drained aggregate.

DRAINAGE. A suitable method must be used to eliminate excess fluids from confinement areas. (Minnesota Statutes § 346.39, subd. 1). All feces should be removed and disposed of daily. All waste drainage and waste material should be disposed of using a method prescribed by any applicable building or health codes.

2. TEMPERATURE, VENTILATION, LIGHTING, FIRE SAFETY. Temperature, ventilation, and lighting must be adequate for the type, number, and condition of animals involved.

TEMPERATURE. Indoor housing facilities for animals should be maintained at a temperature that is appropriate for the breed of animal. Heating and cooling units must be of a type and installation approved by applicable building or safety codes.

VENTILATION. Housing facilities must be ventilated. (Minnesota Statutes § 346.39, subd. 8). Auxiliary ventilation, such as exhaust fans, vents, air conditioning, or a combination of them, should be used when the ambient temperature exceeds 85 degrees Fahrenheit at floor level. This system must be of a type and installation approved by applicable building or safety codes.

LIGHTING. Housing facilities must have at least eight hours of illumination. (Minnesota Statutes § 346.39, subd. 9). Ample lighting, by natural or artificial means should be uniformly distributed.

FIRE SAFETY. Smoke detectors should be installed in a housing facility. Fire extinguishers containing substances nontoxic to animals should be readily available.

3. SANITATION. Feeding and water receptacles must be kept clean and free of contaminants. Confinement areas must be kept clean enough to protect animals from excessive moisture, waste and harmful contaminants. (Minnesota Statutes § 346.39, subd. 12).

FOOD AND WATER. Food and water receptacles must be accessible to each animal and located so as to prevent contamination by excreta. (Minnesota Statutes § 346.39, subd. 12). Opened food bags should be stored in plastic or metal cans with tight fitting lids. Disposable foods receptacles must be discarded when soiled.

CONFINEMENT AREAS. Confinement areas should be thoroughly cleaned daily and impervious surfaces treated with disinfectant at least once per week. Animals should be removed from an area while the area is being treated with disinfectant and animals should not be returned to that area until the area is dry.

DISEASES. Animals with infectious or contagious diseases should be isolated from healthy animals.

Caretakers should disinfect their hands and shoes after handling animals with infectious or contagious diseases. A sink should be furnished with hot and cold running water.

BEDDING. Bedding, if used, must be kept clean and dry. Outdoor confinement and exercise areas must be kept clean and base material replaced as necessary. (Minnesota Statutes § 346.39, subd. 12).

CAT CONFINEMENT AREA. Each cat confinement area should be provided with a container for elimination. Non-disposable containers impervious to moisture should be cleaned daily. Absorbent material should be removed and replaced at least once per week.

E. EXERCISE. All animals must be provided adequate exercise. (Minnesota Statutes § 346.39, subd. 5).

All animals should be provided the opportunity for exercise at least twice per day. Space should be sufficient for the animals to exercise freely.

F. GROUP HOUSING AND BREEDING. Animals housed together in a confinement area must be kept in compatible groups. Animals must not be bred so as to endanger their health. (Minnesota Statutes § 346.39, subd. 6).

Females in estrus should not be housed with males except for breeding purposes. Only healthy, mature animals of normal weight that have been examined by a veterinarian should be used for breeding. Females should be rested for one

## Commissioners' Orders

or more cycles between breedings. Males should be managed so as to maintain normal physical condition and libido.

G. FEMALES AND LITTERS. Each female with a litter must be provided a separate confinement area. Litters should be provided socialization with human beings.

WEANING AGE. Healthy litters should remain with their mother at least five weeks, unless a veterinarian has determined that the litter is rejected or endangered by their mother or the mother's health is endangered. No animal should be sold or given away before the age of eight weeks.

TEMPERATURE. The ambient temperature of the confinement area should be maintained at a minimum of 70 degrees Fahrenheit at floor level and a maximum of 90 degrees Fahrenheit for animals under seven weeks of age unless authorized in writing by a veterinarian.

SOCIALIZATION. Litters should be provided socialization by physical contact with other animals and human beings. It is recommended that litters be handled by humans at least two times a day to prevent future biting behavior.

PET DEALERS. A pet dealer who is not the breeder of an animal may not be in possession of an animal that is under the age of eight weeks. This restriction does not apply to humane societies or retailers who receive abandoned animals.

H. TRANSPORTATION AND SHIPMENT. Crates and containers must be clean, adequately ventilated, contain sufficient space to allow the animals to stand up, lie down, and turn around, and provide maximum safety and protection to the animals. Adequate food, water, and exercise must be provided. (Minnesota Statutes § 346.39, subd. 3).

SHIPPERS. An animal should not be delivered or held for transport in commerce more than four hours before the scheduled departure time. No animal may be shipped on consignment. Shippers should provide the carriers or intermediate handlers with the name, address, and telephone number of the receiver, shipper's name, address, telephone number, tag or tattoo number of the animals, and time and date the animal was last fed and watered. All shippers should securely attach to the outside of the shipping container written instructions for the in-transit food and water requirements.

Shipping containers must be constructed of nonabrasive wire or a smooth, durable material suitable for animals. (Minnesota Statutes § 346.39, subd. 3). Floors should be smooth, impermeable material with grating of smooth wire of 10 gauge or larger. Containers should be provided with barriers so as to ensure that no liquid or solid waste, water, or food passes from one confinement area to another.

Animals should be maintained in compatible groups. No more than two animals may be transported in the same container. Female animals in estrus may not be transported in the same container with any male.

AGE. No one should transport or cause to be transported into, out of, or within the state for purposes of resale any animal under eight weeks of age.

FOOD AND WATER. Animals over the age of 20 weeks should be offered food at least once every 24 hours. Animals under the age of 20 weeks should be offered food at least once every 12 hours. Each animal should be offered clean, fresh potable water, provided in a sanitary manner, at least once every eight hours. Food and water receptacles should be securely attached inside the container and placed so that the receptacle can be filled from outside the container without opening the door.

EXERCISE. Exercise should be provided at least once every twelve hours, or at suitable intervals in relation to food and water consumption.

### I. DISEASE AND PARASITE CONTROL

MINIMIZING DISSEMINATION OF DISEASE. Dogs or cats affected with any clinical evidence of infectious, contagious, or communicable disease should be separated from other dogs or cats.

VETERINARY CARE. An effective program should be established and maintained for disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a doctor of veterinary medicine.

HEALTH OF DOGS AND CATS AT TIME OF SALE. The following conditions make a dog or cat unfit for sale until treatment bring about a satisfactory recovery:

- A. obvious signs of infectious disease;
- B. obvious signs of nutritional deficiencies;
- C. obvious signs of severe parasitism;
- D. fractures;
- E. blindness; and
- F. serious congenital abnormalities.

CONTROL OF PESTS. An effective program should be established and maintained for the control of insects, extoparasites, rodents, and other pests.

## III. APPLICABILITY TO NON PROFIT ANIMAL WELFARE ORGANIZATIONS AND HUMANE SOCIETIES

Non profit animal welfare organizations and humane societies sometimes have difficulty controlling the number and condition of animals under their care. However, they should make all reasonable efforts to comply with the provisions of these best management standards. If circumstances make compliance difficult or impossible, the organization should immediately contact the Board of Animal Health. In order to prevent conditions from deteriorating, the Board of Animal Health and the organization should develop a plan for and a timeline in which compliance will occur.

Dated: 17 March 1995

Elton R. Redalen Commissioner Minnesota Department of Agriculture

# Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

# **Department of Revenue**

## Revenue Notice 95-3: Disclosure: Treatment of Public Sales Tax Returns

A sales tax return that is public data, as defined in *Minnesota Statutes* Chapter 13, when in the possession of the taxpayer will be treated as public data by the Department of Revenue.

Dated: 3 April 1995

Patricia A Lien Assistant Commissioner for Tax Policy

# Official Notices:

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The State Register also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

# Minnesota Comprehensive Health Association

## **Notice of Meeting of the Enrollee Appeal Committee**

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Enrollee Appeal Committee will be held at 2:00 p.m. on Wednesday, April 5, 1995 at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan. The meeting will be in Room "A" on the third floor.

Portions of this meeting may be closed to the public.

For additional information please call Lynn Gruber at (612) 593-9609.

# **Department of Human Services**

### **Reimbursement Division**

# Notice of the Opening of the Minnesota Neurorehabilitation Hospital and Rates

This notice announces the opening of the Minnesota Neurorehabilitation Hospital on January 11, 1995 in accordance with the *Code of Federal Regulations*, Title 42, sections 447.205 (a) and 447.253 (h). The facility is located on the campus of the Brainerd Regional Human Services Center and has been created to better treat patients who have experienced traumatic brain injuries.

Medicaid will pay for the services of the Minnesota Neurorehabilitation Hospital on the basis of the Medicare principles of reimbursement.

The estimated annual Medical Assistance expenditures will be \$2,200,000.

Questions or comments may be directed to:

Larry Houff Reimbursement Division Department of Human Services 444 Lafayette Road St. Paul, Minnesota 55155-3824 (612) 296-4889

# **Department of Labor and Industry**

### **Labor Standards Division**

# **Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective April 3, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: 1995 reroof Johnsville Elem & LC/DC Staff Development Ctr-Blaine & Anoka; MCF Lino Lakes-Perimeter Security Enhancement-Lino Lakes; MCF Lino Lakes Additions & Remodeling-Lino Lakes; Andover Elem School-Additions & Alterations-Andover.

Beltrami: Accessibility Improvements, DNR Region 1 Headquarters.

Blue Earth: Crawford Hall Bwing Piping Replacement At Mankato State Univ-Mankato.

Clay: Sludge Truck Loading Bldg-City of Moorhead.

Crow Wing: ISD 181 Fire Code Upgrades (Seven Schools)-Brainerd & Nisswa; Reading Recovery Program Garfield School,

ISD 181-Brainerd; ISD 181, Passenger Elevator Upgrade-Brainerd High School-Brainerd; Wrestling Room Brainerd High School, ISD 181-Brainerd; Boiler Replacement Work Franklin & Nisswa Schools, ISD 181-Brainerd & Nisswa; Room Replacement Work Baxter School, ISD 181-Brainerd.

**Dakota:** ISD 194-1996 Lakeville Elem School-Lakeville; Inver Hills Community College-Learning Center 2nd Fl Library Renovation-Inver Grove Heights.

Hennepin: MAC-Revenue Control Bldg Addition-Minneapolis; Eden Prairie Community Library-Eden Prairie; U of M (Remodeling) Outside-In Restaurant-Minneapolis; Energy Management Center Chiller Installation-MSP Intl Airport; Lindbergh Terminal Restroom Rehab-MSP Intl Airport; U of M Carlson School of Management-Minneapolis; U of M Northrop Auditorium Chilled Water Cluster-Minneapolis; Lindbergh Terminal Roof Rehab-MSP Intl Airport; Green Concourse Interior Rehab-MSP Intl Airport; 1995 Reroof for Evergreen Park Elem-Brooklyn Park; Hyperbaric Gas Powered Compressor-Minneapolis; U of M Field House Elevator/Accessibility Improvements-Minneapolis; Mpls Veteran Home-Bldg 16 & 17-Minneapolis.

Itasca: Restoration of the Judy Garland Birthplace-Grand Rapids; Forest History Centre-Grand Rapids.

Lac Qui Parle: Roof Edge Repairs/Alterations-Madison.

Ottertail: Science Bldg Renovation-Fergus Falls Community College-Fergus Falls.

Ramsey: Highland Park Junior High School Relighting Project-St. Paul.

St. Louis: Floor Sanding Romano Gymnasium-Duluth.

Scott: ISD 191-New Elementary School-Savage.

**Stevens:** U of M Morris Communications Cabling-Morris. **Washington:** Tanners Lake Park Beach House-Oakdale.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian Acting Commissioner

# Office of the Secretary of State

## **Notice of Vacancies in Multi-Member Agencies**

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to Minnesota Statutes 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by April 25, 1995. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1994 Annual Compilation and Statistical Report is now available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1994 fiscal year. The 1994 Annual Compilation also indicates members with terms that ended in January 1995 as open for application; many of these positions may still be open. To order copies of the 1994 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

BOARD OF INVENTION c/o Dan Ferber, 49 Inner Drive, St. Paul, MN 55116-1819. 612-698-6318. Minnesota Statutes 116J.987.

APPOINTING AUTHORITY: Governor, subject to advice and consent of the Senate.

COMPENSATION: None.

VACANCY: One vacancy: Must be a resident of Congressional District One.

The board shall encourage the creation, performance, and appreciation of invention in the state. The board shall investigate and

## Official Notices

evaluate new methods to enhance invention. The board consists of eleven members, including one member to be appointed from each congressional district and three at-large members. Monthly meetings, for approximately two hours, at various locations statewide. The board does not expire.

BOARD OF PEACE OFFICER STANDARDS AND TRAINING Suite 200, 1600 University Ave., St. Paul, MN 55104-3828. 612-643-3060. Minnesota Statutes 626.841.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Member representing municipal peace officers.

The board licenses peace officers and part-time peace officers, establishes minimum qualifications and standards of conduct, and regulates professional peace officer education and continuing education for peace officers. The board consists of fifteen members, including two sheriffs, four municipal police officers (at least two chiefs of police), two former law enforcement officers, two elected city officials from cities of under 5,000 outside of the metropolitan area, two peace officers, one who is a member of the Minnesota Trooper's Association, and two public members. The superintendent of the Bureau of Criminal Apprehension is an exofficio member. Quarterly meetings. Members must file with the Ethical Practices Board. The board does not expire.

COUNCIL ON BLACK MINNESOTANS 2233 University Ave., Suite 426, St. Paul, MN 55114. 612-642-0811. Minnesota Statutes 3.9225.

APPOINTING AUTHORITY: Governor.

COMPENSATION: Per diem for public members.

VACANCY: One vacancy: Public member.

The council makes recommendations to the Governor and legislature on improving the economic and social conditions of African American and Native African Minnesotans. The Governor appoints eleven public members who must represent persons of African descent throughout the state, and must include at least five males and five females. The legislature appoints two senators and two representatives who serve as ex-officio, non-voting members. Approximately 6-8 meetings a year at statewide locations, usually at the council office. The council expires June 30, 1997 per *Minnesota Statutes* 15.059 subd. 5 as amended by *Laws of 1993*.

EXPORT FINANCE AUTHORITY 1000 World Trade Center, St. Paul, MN 55101-4902. 612-297-4658. Minnesota Statutes 116J.9673.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Members shall be knowledgeable in international finance, exporting, or international law.

The authority is created to aid and facilitate the financing of exports from Minnesota; will meet credit needs of Minnesota exporters through loan guarantees and export credit insurance. The authority board consists of seven members, six of whom must be knowledgeable in international finance, exporting, or international law, and one member to represent a company specializing in agricultural international trade. The Commissioner of the Department of Trade and Economic Development is the chair of the board. The board meets approximately once a month, generally by conference call, to review loan guarantee applications and to review the operations of the Authority. Members must file with the Ethical Practices Board. The board does not expire.

GAMBLING CONTROL BOARD 1711 W. Co. Rd. B, Suite 300 South, Roseville, MN 55113. 612-639-4000. Minnesota Statutes 349.151.

APPOINTING AUTHORITY: Governor/Attorney General/Commissioner of Public Safety.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Two vacancies: One member appointed by the Attorney General and one member appointed by the Commissioner of Public Safety.

The board issues, suspends and revokes licenses of organizations, bingo halls, distributors and manufacturers of gambling equipment, registers gambling equipment, collects license fees and inspects records, conducts hearings to insure integrity of operations and compliance with all applicable laws and rules. The board consists of seven members including five members appointed by the Governor, one member appointed by the Commissioner of Public Safety, and one member appointed by the Attorney General. No more than three members appointed by the Governor may belong to the same political party. All appointments are with the advice and consent of the Senate. Members must file with the Ethical Practices Board. Meetings are held at the Kelly Inn, St. Paul, on the third Monday of each month. The board does not expire.

GOVERNOR'S COUNCIL ON GEOGRAPHIC INFORMATION 330 Centennial Building, 658 Cedar St., St. Paul, MN 55155. 612-296-1211. Executive Order 93-17.

APPOINTING AUTHORITY: Director of the Office of Strategic and Long Range Planning.

COMPENSATION: Travel expenses.

VACANCY: Eighteen vacancies: Members should have knowledge and interest in the GIS field. Members represent state government, higher education, GIS users in the private sector, the federal government, and local government.

The council provides leadership and direction in the efficient and effective development, management, and use of geographic information resources by all levels of government in Minnesota. The council recommends and promotes standards, policies, and guidelines for developing and sharing geographic information, and provides a formal forum for exploring issues and initiatives related to the successful use of Minnesota's geographic information. The council consists of eighteen members with knowledge and interest in the geographic information systems (GIS) field, and represents state government, local government, the federal government, higher education, and GIS users in the private sector. Council meetings are held in St. Paul at least four times annually. Members are expected to serve on at least one committee. The council does not expire until Executive Order 93-17 is rescinded.

GOVERNOR'S INTERAGENCY COORDINATING COUNCIL ON EARLY CHILDHOOD INTERVENTION 987 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101. 612-296-7032. Minnesota Statutes 120.17, subd. 11a.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Two vacancies: One representative of special education and one parent.

The council advises, assists and recommends policies to the Governor and the Minnesota Departments of Commerce, Education, Health, Human Services and Economic Security to provide interagency collaboration in the development of Minnesota's comprehensive, coordinated, multidisciplinary system of early intervention services for young children under age five with disabilities and their families. The council consists of at least seventeen members but not more than twenty-five, including: at least five parents, including persons of color, of children with disabilities under age twelve, including at least three parents of a child with a disability under age seven; five representatives of public or private providers of services for children with disabilities under age five, including a special education director, county social service director, and a community health service or public health nursing administrator; one member of the Senate, one member of the House of Representatives, one representative of teacher preparation programs in early childhood-special education or other preparation programs in early childhood intervention, at least one representative of advocacy organizations for children with disabilities under age five, one physician who cares for young children with special health care needs, one representative each from the Commissioners of Commerce, Education, Health, Human Services, and Economic Security, and a representative from Indian health services, or a tribal council. Meetings held at least six times during the year. The council expires June 30, 1997 per *Minnesota Statutes* 120.17, subd. 11a, as revised by *Laws of 1994*.

HARMFUL SUBSTANCE COMPENSATION BOARD 2700 University Ave. W., Suite 115., St. Paul, MN 55114. 612-642-0455. *Minnesota Statutes 115B.27*.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: Compensation and expenses.

VACANCY: One vacancy: Attorney member.

The board investigates claims of property damages or injury caused by releases of harmful substances into the environment and compensates victims for verified losses resulting from the releases. The board consists of five members including one physician knowledgeable in toxicology; one member of the Minnesota Bar Association, one health professional knowledgeable in the area of harmful substance injuries; and two public members. Members serve part time and are paid compensation established by the Commissioner of Employee Relations based on professional expertise and experience. The board meets on the second Monday of each month at 1:30pm at the board's office location. Members must file with the Ethical Practices Board. The board does not expire.

MEDICAL SERVICES REVIEW BOARD Dept. of Labor and Industry, Special Compensation Fund, 443 Lafayette Rd., St. Paul, MN 55155. 612-296-4404. *Minnesota Statutes 176.103*.

APPOINTING AUTHORITY: Commissioner of Labor and Industry.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Two vacancies: Medical practitioner positions, one member and one alternate member.

The board advises the Department of Labor and Industry on medical matters relating to workers' compensation, makes determinations on inappropriate, unnecessary or excessive treatment under *Minnesota Statutes* 176.103, subd. 2, and may issue penalties

## Official Notices =

for violation of rules following a contested case procedure under chapter 14 under *Minnesota Statutes* 176.103, subd. 3. Members include two chiropractic members, one hospital administration member, six physician members, one employee member, one employer or insurer member, one physical therapist, and one public member plus alternates. The Commissioner or his designee serves as an ex-officio member. Members must file with the Ethical Practices Board. The board does not expire.

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE 2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089. 612-642-0591. Minnesota Statutes 148.01 - 148.106.

APPOINTING AUTHORITY: Executive Director, Minnesota Board of Chiropractic Examiners.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Professional member; must be available to attend first meeting on Tuesday, June 13, 1995 at 12:30 p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are one year in length. Members may serve two full terms. Applications may be submitted at any time and are retained and considered for two years. The committee meets on the second Tuesday of every month at 12:30 p.m. at the Minnesota Board of Chiropractic Examiners' office. The committee does not expire.

MINNESOTA HIGHER EDUCATION COORDINATING BOARD 400 Capitol Square Bldg., St. Paul, MN 55101. 612-296-9666. *Minnesota Statutes 136A.02*.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Must be a resident of the Seventh Congressional District.

The board provides leadership in planning to meet the educational needs of residents beyond high school. The board administers state and federal higher education programs, including Minnesota's student financial aid programs. The board consists of eleven members appointed by the Governor including one member from each congressional district, three at-large members, one of whom is a student member. At least one member shall be selected for knowledge and interest in vocational education. The student advisory council may recommend candidates to the Governor for the student position. Monthly meetings are held in the Capitol area and occasionally in Greater Minnesota. Members must file with the Ethical Practices Board. The board does not expire.

MINNESOTA RACING COMMISSION 7825 Washington Ave. S., Suite 800, Bloomington, MN 55439. 612-341-7555. Minnesota Statutes 240.02.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$55 per diem.

VACANCY: Three vacancies: Must be a Minnesota resident for five years preceding appointment. No more than five members may belong to the same political party. Terms are staggered and are for six years. Members must file with the Ethical Practices Board. Appointees must file a bond of \$100,000.

The commission licenses persons and organizations to operate racetracks, conduct horse racing, conduct pari-mutual wagering on horse racing, enforces and collects all applicable taxes and license fees, and establishes a Minnesota Breeders' Fund. The commission consists of nine members. Prescribed qualifications for membership include being a Minnesota resident for five years preceding appointment. No more than five members may belong to the same political party. Appointees must file a bond of \$100,000. Terms are staggered and are for six years. Members must file with the Ethical Practices Board. Meetings are the third Wednesday of every month, usually at the Hennepin County Government Center in downtown Minneapolis. The commission does not expire.

**REHABILITATION ADVISORY COUNCIL FOR THE BLIND** Department of Economic Security, State Services for the Blind, 2200 University Ave. W., #240, St. Paul, MN 55114-1840. 612-642-0887. *Minnesota Statutes 248.10* amended by *Laws of 1993, Ch. 97*.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Current or former recipient of Vocational Rehabilitation services.

The council advises the Commissioner of Economic Security about programs of the division of services for the blind and visually handicapped. The council is limited to fifteen members, a majority of whom must be blind or visually handicapped and not employed by State Services for the Blind. Meeting schedule to be determined, meetings will be held at State Services for the Blind. The council expires June 30, 1997 per *Minnesota Statutes* 15.059, subd. 5 as amended by *Laws of 1993*.

SOLID WASTE MANAGEMENT ADVISORY COUNCIL Minnesota Office of Environmental Assistance, 520 Lafayette Rd, Second Fl, St. Paul, MN 55155. 612-296-3417. *Minnesota Statutes 115A.12*.

APPOINTING AUTHORITY: Minnesota Office of Environmental Assistance.

COMPENSATION: Reimbursed for expenses.

VACANCY: One vacancy: Representative from the private solid waste industry.

The council makes recommendations on solid waste management activities. The council may have nine to twenty-one members, with equal numbers of citizen members, representatives of local government units, and representatives of the solid waste industry; at least three members experienced in the private recycling industry and at least one member experienced in each of the following areas: state and municipal finance, solid waste collection, processing and disposal, and solid waste reduction and resource recovery. Meetings held the first Friday of each month, from 11:30am to 3:00pm at the Minnesota Office of Environmental Assistance, 1350 Energy Lane, Suite 201, St. Paul. The council expires June 30, 1997 per Laws of 1994, Chpt. 480, Sec. 8.

WASTE EDUCATION COALITION Minnesota Office of Environmental Assistance, Waste Education Program, 1350 Energy Lane, St. Paul, MN 55108. 612-649-5750. *Minnesota Statutes 115A.072*.

APPOINTING AUTHORITY: Minnesota Office of Environmental Assistance.

COMPENSATION: Expenses.

VACANCY: One vacancy: Representative from private industry with knowledge or expertise in recycling and solid waste management issues.

The coalition is to advise and assist the staff of the Office of Environmental Assistance to develop, implement, and coordinate state and regional resources in an integrated long-term waste education program which encourages the reduction, reuse, resource recovery and proper management of solid and hazardous wastes. Eighteen members: one member each from the Pollution Control Agency, Metropolitan Council, Dept. of Education, Dept. of Agriculture, Environmental Education Board, Environmental Quality Board, educational institutions, other public agencies with responsibility for waste management or public education, and three persons representing private recycling or solid waste industries. Meeting schedule: up to twice a month, five hours a month, at the Office of Environmental Assistance. The coalition expires June 30, 1997 per Laws of 1994, Chpt. 480 Sec. 7.

YOUTH CORPS ADVISORY COMMITTEE Department of Natural Resources, 500 Lafayette Rd., St. Paul, MN 55155. 612-296-6195. Minnesota Statutes 84.0887, Subd. 4.

APPOINTING AUTHORITY: Commissioner of Natural Resources.

COMPENSATION: Expenses.

VACANCY: Eleven positions: Please refer to the description of this new agency.

The committee will advise the commissioner on the Youth Corps program. The committee consists of eleven members, including one member from each congressional district and three at-large members. Applications from diverse communities are encouraged. Youth representation is mandatory. Members should be interested in youth programs. Meetings are approximately four hours, held on a quarterly basis at the Department of Natural Resources headquarters. The advisory committee expires June 30, 1997 per *Minnesota Statutes* 15.059, subd. 5 as amended by *Laws of 1993*.

Official Notices

# **Teachers Retirement Association**

# **Notice of Regular Meeting of the Board of Trustees**

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, April 20, 1995, at 9:30 a.m., in Suite 500, Gallery Building, 17 W. Exchange St., St. Paul, MN to consider matters which may properly come before the Board.

# **Department of Trade and Economic Development**

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing by the Minnesota Agricultural and Economic Development Board on a Proposed Project on Behalf of New Morning Windows, Inc. and the Issuance of Bonds under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on April 18, 1995, at 9:00 a.m. o'clock, at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of New Morning Windows, Inc., a Minnesota corporation, Cary Richman and Alexis Richman (collectively, the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the acquisition, construction and equipping of a manufacturing facility in the City of Lakeville, Minnesota within the Fairfield Business Campus located north of 210th Street at County Road 70 near the northeast corner of intersection of Kensington Boulevard and Kenbridge Way, Lakeville, Minnesota (the "Project"). The initial owner of the Project will be one of the parties identified above as the "Applicant" and the Project is expected to be operated and managed by one of the parties identified above as the "Applicant." It is contemplated that the Project will be used primarily for the manufacture of custom windows and related activities. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$2,500,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under Minnesota Statutes 1986, Chapter 116M or other financial or special assistance from the Board. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

BY ORDER OF THE MEMBERS OF THE MINNESOTA AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD

Paul Moe, Executive Director Minnesota Agricultural and Economic Development Board

# **Public Utilities Commission**

# Notice of Public Hearings on Establishing a Range of Environmental Costs in Generating Electricity

The Minnesota Public Utilities Commission has been directed by the Legislature to establish a range of environmental costs associated with each method of generating electricity. Utility companies are then required to use those cost values in conjunction with other external factors when evaluating resource options. The purpose behind the law is to be sure that utility companies explicitly consider environmental costs when selecting resources to meet the needs of their customers.

The Commission will hold a series of public hearings to gather comments on environmental costs. You are invited to attend and testify. For a more detailed explanation of the issues involved, please call Kitty Blees at (612) 296-6856 and request a copy of the "Environmental Costs Background Sheet."

Hearings will be held from 3:30 to 5:30 in the afternoon, and again at 7:30 to 9:30 in the evening, at each location.\* The dates and locations are as follows:

DATE	CITY	ADDRESS	
Tuesday April 18	Duluth	County Board Room County Courthouse	
Wednesday April 19	Minneapolis*	Room A. Hennepin County Government Center	
Thursday April 20	Fergus Falls	Otter Tail County Courthouse Courtroom 1 121 West Junius Avenue	
Tuesday April 25	Rochester	City Council Chambers City Hall	
Wednesday April 26	St. Paul	Large Hearing Room Metro Square Building	
Thursday April 27 (3-city video conference)	Bemidji	Paul Bunyan Rural Telephone Company 1831 Anne Street N.W.	
ì	Brainerd	Consolidated Telephone Co. 1102 Madison Street	
l	Windom	Windom Area Middle School 1012 Fifth Avenue	

These hearings are part of a contested case proceeding. All comments will become part of the record and will be considered by the Commission in its final decision. General questions about the case or the hearings can directed to Clark Kaml of the Commission staff at (612) 297-4563. Procedural questions about the hearings can be directed to Administrative Law Judge Allan Klein at (612) 341-7609. Written comments may also be sent to Judge Klein at 100 Washington Square #1700, Minneapolis, MN 55401-2138. They must be postmarked by April 29.

<sup>\*</sup> For Minneapolis only, hours will be 3:00 to 5:00 p.m. and 7:30 to 9:30 p.m.

# **State Grants**:

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the State Register also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the State Register itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

# **Minnesota Department of Human Services**

# **Chemical Dependency Program Division**

## Request for Proposals (RFP) for Services for Chemically Dependent Women

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter, CDPD) is soliciting proposals through a competitive bidding process to address two distinct training needs.

First, the Division is requesting proposals for training and technical assistance designed to impact key decision makers in an effort to improve services to substance abusing women in alcohol and drug treatment programs that do not specialize in women's services but admit women to treatment, \$36,000.00 is available for one grantee each year of funding.

Secondly, proposals will be considered for the provision of an annual statewide continuing education program for 250 chemical dependency professionals and other health care/human service providers who work with women in the areas of treatment and prevention. \$25,000.00 is available for one grantee each year of funding. Each application is to be submitted for two years with separate budgets for each year.

Eligible applicants are non-profit or for-profit organizations, and/or individuals who for the first funding area are able to develop, prepare and conduct training for traditional program decision makers on acquiring and providing services to women clients; and for the second area who are knowledgeable in conference planning and development and women's treatment/prevention issues.

A Selection Committee will be formed to screen and review grant applications for this RFP and to make recommendations to the CDPD. The committee will include individuals with special expertise in the award area, State Alcohol and Other Drug Advisory Council members, DHS staff and representatives of the communities/groups to be served. The CDPD staff will make a formal recommendation to the Grants Committee of the State Alcohol and Other Drug Abuse Advisory Council. The Council will make a recommendation to the CDPD director. The final determination will be made by the Commissioner of the Department of Human Services (DHS).

Funds may be used for materials and supplies, in-state travel, lodging, mailings and contracted services or for conference presenters, out of state travel, coping materials. It is anticipated that the work called for would begin by October 1, 1995, or upon such date at it is executed as to encumbrance by the Commissioner of Finance, whichever occurs later. Second year funding will be based on satisfactory performance and the availability of funds.

This Request for Proposals is contingent on the availability of funds. The State reserves the right to reject any and all proposals and to apply the funds to another purpose. The State will not reimburse for the costs of proposal preparation or participation in proposal consideration procedures. Eight copies of the proposal must be received by CDPD no later than 4:20 p.m., Friday, May 19, 1995, or have a legible postmark date no later than May 18, 1995. Proposals in response to the Request for Proposals (RFP) must be submitted using the Chemical Dependency Program Division's grant application form and format. Copies of the RFP and the application form are available on request from the Chemical Dependency Program Division (296-3991). Proposals should be sent to:

Sheila Big Bear, Grant Assistant Chemical Dependency Program Division Department of Human Services 444 Lafayette Road St. Paul, Minnesota 55155-3823

Requests for information should be addressed to Pamela Young, Women's Planner (612/296-4589). Training on how to complete application materials will be provided at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN, April 17, 1995, from 1:00 to 3:00 p.m. Please call Pamela Young at 296-4589, if you wish to attend this training.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the State Register. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

# **Department Of Administration**

**State Employee Assistance Program** 

# Notice of Request for Professional Assessment, Counseling, Education and Consultation Services from Employee Assistance Providers for Sites in 17 locations in Minnesota

NOTICE IS HEREBY GIVEN that the Department of Administration intends to engage the services of one or more employee assistance provider organizations with access sites in 17 locations throughout Minnesota: Bemidji, Brainerd, Cambridge, Crookston, Duluth, Faribault, Fergus Falls, Grand Rapids, Hibbing, Mankato, Marshall, Morris, Rochester, St. Cloud, Stillwater, Willmar and Winona. The contractor shall provide assessment and referral counseling services, employee education services and management/supervisory consultation services for state employees, dependent family members of state employees and state agencies in the respective locations. The contractor also will be expected to perform local outreach activity within various state agencies, (supervisory training, EAP orientation, crisis management, etc.).

Contractor shall be expected to maintain five-day per week operations and fully staffed offices in each location.

Contractors must be in compliance with the Americans With Disabilities Act.

The contract period shall run from July 1, 1995 through June 30, 1997. The estimated amount of the contract in each of these locations should not exceed \$5,000.00 annually. Responses must be received no later than May 1, 1995, and should be addressed to:

Director State Employee Assistance Program Meridian National Bank 205 Aurora Avenue, Suite 200 St. Paul, MN 55103 612-296-0765

# **Department of Administration**

**State Designer Selection Board** 

# Request for Proposal for St. Cloud State University Project for High Voltage Distribution Upgrade/Utility Tunnel Extension

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a State University project. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., Tuesday, April 25, 1995, to:

George Iwan
Executive Secretary, State Designer Selection Board
Room G-10, Administration Building
St. Paul, Minnesota 55155-3000

The proposal must conform to the following: Proposals not conforming to these requirements will be disqualified and discarded without further examination.

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces will be allowed.

- 3) The cover of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.
- 4) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in 5(b) have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.
  - 5) Proposal Summary

All proposals shall begin with a summary which includes only the following items:

- a) Name of firm and it's legal status.
- b) Names of persons responsible for both the management and production of the work including consultants and Minnesota registration numbers.
- c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be part of the design team.
- d) A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named 5(b) above along with adequate staff to meet the requirements of work.
- e) A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. *NOTE:* Please call for a copy of the acceptable format for providing this information.
- f) In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted; therefore, the proposal shall include one of the following:
  - 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- 2) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- 3) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.
  - 6) Additional Proposal Contents
- a) Expanded resumes showing qualification of individuals listed in 5(b) administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.
  - b) A discussion of the firms understanding of and approach to the project.
  - c) A listing of relevant past projects.
- 7) Other design firms wishing to have their proposals returned after the Board's review, must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
- b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed it's review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the project herein described or the fee format form may be referred to George Iwan at (612) 296-4656.

### 8. PROJECT - 4-95

High Voltage Distribution Upgrade/Utility Tunnel Extension

- St. Cloud State University
- St. Cloud, Minnesota

APPROPRIATION: \$150,000.00 for design.

SCOPE OF PROJECT: The electrical distribution system peak load has exceeded capacity. An electrical distribution study completed in 1989 recommended for the University's consideration 4 options to expand and improve the existing system. Using that study as a point of departure, all high voltage existing conditions will be evaluated and a replace/upgrade plan prepared to achieve required capacities and redundancies. The design will also include cabling and switching for emergency generation and peak shaving. The distribution upgrade will occur in the existing utility tunnel system and in new utility tunnels that will be planned as part of this project; these new tunnels to improve the existing system and extend high voltage to the new library building currently in planning. Both the high voltage upgrade and the new utility tunnels will take into account campus expansion which at this time (beyond the new library and a central chilled water plant also currently in planning) is undetermined.

The revised high voltage system will be operated by University personnel but will have to meet certain requirements of the local utility.

Asbestos abatement, if required, will be done by others and is excluded from the scope of this work.

**PROJECT SITE:** The area of the campus bounded by 13th Street on the south, 4th Street on the north, the Mississippi River on the east and 5th Avenue on the west.

PURPOSE OF THE PROJECT: The project is to provide adequate/dependable/economical/safe electrical capacity (current and future) and provide efficient and convenient distribution of utilities—electricity, steam, chilled water, communications—in an expanded utility tunnel system. The project will serve existing major campus buildings and other structures (specifically the new library and chilled water plant) in the future.

**ENGINEERING RESPONSIBILITIES:** The engineer selected shall be knowledgeable as to the law, rule and regulation affecting high voltage design and operation including utility company rebates, experience in high voltage distribution cabling/transformation/switching, emergency/peak shaving generation and safety. Familiarity with utility company distribution and rates will be necessary.

For planning through construction documents, the engineer will be responsible for, but not limited to, such tasks as: review of the previous electrical distribution study, preparation of a pre-design report meeting Department of Administration requirements, consideration of alternative designs, design through construction documents including a schematic design report and a cost estimate at each stage of the design. If project construction is funded, the selected engineer will continue through bidding and construction administration including, but not limited to, recommendation of bid award, preparation of construction change orders, review and approval/rejection of shop drawings and payment requests, oversight of project for owner (including on-site observation and chairing construction meetings) as well as recommendation to the owner of project acceptance.

Design will be consistent with the Minnesota State University System Design Standards.

Prior experience is required as to the design of both high voltage distribution and utility tunnel construction. Project personnel with experience focused on construction will be an important consideration.

ENGINEERING FEE: To be negotiated.

### **UNIVERSITY CONTACT:**

Steve Ludwig
Assistant Vice President for Facilities Management
Buildings and Grounds
St. Cloud State University
720 Fourth Avenue South
St. Cloud, Minnesota 56301-4498
(612) 255-2266

### STATE UNIVERSITY SYSTEM CONTACT:

David Hardin
Director of Facilities Management
Minnesota State University System
555 Park Street, Suite 230
St. Paul, Minnesota 55103
(612) 296-6624

Maureen Steele Bellows, Chair State Designers Selection Board

# **Department of Corrections**

**Oak Park Heights Correctional Facility** 

## Notice of Request for Proposals for Providing Inmate Medical Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for providing emergency room services, ambulance service, and specialized clinical services to inmates. The contract period will run from July 1. 1995 through June 30, 1997. The estimated cost will not exceed \$40,000 for the two year contract period. Specific details on the purpose and scope of these medical services can be obtained by calling Ken Carlson, Health Services Director, at (612) 779-1436. The proposals must be submitted by 4:30 p.m. on April 28, 1995 to: Ken Carlson, MCF-OPH, Box 10, Stillwater, MN 55082.

# **Department of Corrections**

**Oak Park Heights Correctional Facility** 

## **Notice of Request for Proposals for Providing Dental Services**

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for providing dental services to inmates. The contract period will run from July 1, 1995 through June 30, 1997. The estimated cost will not exceed \$116,260 for the two year contract period. Specific details on the purpose and scope of these services can be obtained by calling Ken Carlson, Health Services Director, at (612) 779-1436. The proposals must be submitted by 4:30 p.m. on April 28, 1995 to: Ken Carlson, MCF-OPH, Box 10, Stillwater, MN 55082.

# **Department of Employee Relations**

## Notice of Request for Proposals (RFP) for Provision of Communication Services to the State of Minnesota

The Minnesota Department of Employee Relations (DOER) is soliciting bids from qualified vendors to provide design and communications services to the Employee Insurance Division (EID). The EID provides open enrollment materials each year for state employees and others eligible for the state's group insurance program. These materials must be accurate to ensure that employees have the information needed to choose their benefits for the upcoming year. A complete statement of the state's requirements and other terms and conditions governing the RFP may be obtained by contacting:

Lettie Sagisser Minnesota Department of Employee Relations Employee Insurance division 200 Centennial Office Building 658 Cedar Street St. Paul, MN 55155-1603

(612) 296-5237

or leave message with (612) 296-1495 Nelsene McGinn

All proposals must be revived by DOER by 4:00 p.m. on April 26. Late proposals will not be accepted. Ten (10) copies of the proposal must be submitted in a sealed mailing envelope or package with the vendor's name and address written on the outside, and with evidence of the vendor's compliance with the Minnesota Human Rights Act attached to the envelope or package.

# **Department of Human Services**

## **Brainerd Regional Human Services Center**

## Request for Proposals for Medical Services of a Psychiatrist and Radiologist

NOTICE IS HEREBY GIVEN that Brainerd Regional Human Services Center is seeking the following services for the period July 1, 1995 through June 30, 1996. These services are to be performed as requested by the administration of the Brainerd Regional Human Services Center.

- 1. Services of Board Certified or Board Eligible Psychiatrist to provide consultation services in psychiatry in Timberland Mental Health Adult and Children's Programs, 16 hours/3 days per week (one 8 eight hour day, two 4 hour days), 52 weeks per year. Perform and record psychatric diagnostic evaluations on newly admitted mentally ill adult and adolescent patients, provide treatment recommendations, review patient progress, meet regularly with treatment teams. Multiple contracts may be awarded in order to provide the total required psychiatric services. If a contract is entered into with a locum tenens company, this company must assign psychiatrists for a minimum of six (6) weeks. Priority consideration will be given to respondent(s) who will be able to provide psychiatric services on a regular, continuing basis. The amount of the contracts is estimated not to exceed \$110,000.00.
- 2. Services of a radiologist to interpret X-Ray films taken by the center's X-Ray Technician. The amount of the contract is estimated not to exceed \$16,000.00.

Direct inquiries and responses to:

Keith R. Bernard, Hospital Services Director Brainerd Regional Human Services Center 1777 Highway 18 East Brainerd, MN 56401 218/828-2220

Responses on the above services must be received by 11:00 a.m., April 28, 19985.

For copies of the full Request for Proposals, please contact Keith R. Bernard.

Award of any of these contracts is contingent upon the availability of funds. This request does not obligate the State and the State reserves the right to cancel this solicitation.

# **State Board of Investment**

## Official Notice of Intent to Retain Private Money Management Firms

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program Minnesota State Board of Investment Suite 105 MEA Building 55 Sherburne Avenue St. Paul, MN 55155

Please refer to this notice in your written request.

# **Department of Revenue**

### Other Business Income Tax Division

## Notice of Request for Proposal for Production of Direct Response Videos

The Minnesota Department of Revenue is seeking proposals from qualified parties to provide professional technical services in the creation, production, and duplication of "direct response" videos for various groups of taxpayers and tax practitioners.

### **Scope of the Projects:**

The video taped programs will be up to 15 minutes in length, and will provide information and/or persuade taxpayers, employers, or tax practitioners to take action around one of three themes: two videos will relate to payment actions/options for taxpayers owing money to the Department, one video will relate to electronic filing (for tax practitioners), and one video will relate to actions required for newly registered businesses having employees. The videos will include speaking roles by department employees and/or practitioners, as well as visual displays of information as needed.

### The Goals and Objectives of These Projects are to:

- 1. Inform taxpayers about payment options and persuade them to avail themselves of these options for resolving their account delinquencies.
- 2. Inform tax practitioners about the benefits of electronic filing for both them and their clients, and to persuade them to electronically file federal and Minnesota individual income tax returns.
- 3. Inform newly registered Minnesota employers of their obligations relating to employee withholding taxes and unemployment taxes, and persuade them to contact other state and federal agencies with whom they must be registered.

### **Project Tasks:**

- 1. Write scripts and produce storyboards for each video.
- Design and produce the videos, including all filming, narration, sound effects, editing, and all other technical aspects required to produce a finished product.
- 3. Incorporate use of Department employees and local volunteer tax practitioners in the videos.
- 4. Provide all equipment and technical support necessary for the projects.
- 5. Produce a master copy for each video and additional copies as follows:
  - a. two collections videos 100 copies each
  - b. electronic filing video 300 copies
  - c. new employers video 100 copies

(See item 6 in "Proposal Contents" below regarding statement of cost on additional copies)

Responders may propose additional tasks or activities if they will substantially improve the results of the project.

### **Project Duration:**

The projects should be completed by September 30, 1995.

### **Project Cost:**

The Department has estimated that the cost of these projects should not exceed \$28,000 in total.

### **Completion Date:**

The completion dates for these projects are as follows:

- a. two collections videos no later than July 30, 1995
- b. one electronic filing video no later than August 30, 1995
- c. one business withholding taxes video no later than September 30, 1995

### **Department Contact:**

Requests for printed subject materials on these subjects or questions regarding this request for proposal can be directed to:

Dorothy Hanson, Director, Other Business Income Taxes Division

MN Department of Revenue, Mail Station 6601

St. Paul, MN 55146-6601

Phone: (612) 297-4221 Fax: (612) 297-7430

PLEASE NOTE: other department personnel are not allowed to discuss the project with responders before the deadline for submitting proposals.

### **Submission of Proposals:**

All proposals must be sent to and received by Dorothy Hanson, Director, Other Business Income Taxes Division, Minnesota Department of Revenue, Mail Station 6601, St. Paul, MN 55146-6601, no later than 4:00 p.m., April 21, 1995. If hand delivered, proposal must be date stamped received by 4:00 p.m., April 21, 1995.

Late proposals will not be accepted. Submit two copies of the proposal. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the entity making the proposal. Prices and terms of the proposal as stated must be valid for the length of the contract.

## **Proposal Contents:**

The following will be considered minimal contents of the proposal:

- 1. A statement of the objectives, goals and tasks to demonstrate the responder's view of the nature of the project.
- 2. Identification and description of the items to be provided by the responder.
- 3. An outline of the responder's background and experience with particular emphasis on previous experience in the development of "direct response" videos in the collections area or other areas related to the proposed projects.
- 4. A statement identifying the personnel who will be working on the project and their qualifications.
- 5. A detailed cost and work plan stating the major tasks to be accomplished and which can be used as a scheduling and managing tool as well as a basis for invoicing.
- 6. A statement of the cost for additional copies of each video as shown in the "Project Tasks" section above, for comparison against existing State contracts which may be used for this purpose.
- 7. A statement identifying the level of DOR's participation in the project as well as the services to be performed by the Department.

### **Evaluation Criteria:**

All proposals received by the deadline will be evaluated by representatives of the Department. A personal interview may be part cf the evaluation process. Factors upon which proposals will be judged include, but are not limited to:

- 1. Expressed understanding of the project objectives (30%)
- 2. Project work plan (10%)
- 3. Cost detail (10%)
- 4. Experience and qualifications of responder in the area of developing and marketing "direct response" videos (50%)

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal, and certified Economically Lisadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 4% preference in the evaluation of their proposal.

Evaluation and selecting may be completed by May 10, 1995. Results will be sent immediately by mail to all responders.

This request for proposal does not obligate the state to complete the project, and the state reserves the right to cancel this solicitation if it is considered in its best interests to do so.

Dated: 21 March 1995

# Non-State Public Bids, Contracts & Grants =

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The Register meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

# **Aitkin County Parks Commission**

## **Long Lake Conservation Center**

# Request for Proposal for a Project at Long Lake Conservation Center—Palisade, Minnesota To Minnesota Registered Design Professionals

The Aitkin County Parks Commission is seeking a designer for a project at Long Lake Conservation Center, a residential environmental learning center in Aitkin County. Design firms wishing to be considered for these projects should deliver proposals on or before 4:00 p.m. 5 May 1995, to:

Robert L. Schwaderer, Executive Director Long Lake Conservation Center Route 2, Box 2550 Palisade, Minnesota 56469

### The proposal must conform to the following:

- 1) Three (3) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the designer's firm name, address, telephone number and the name of the contact person.

### 4) Mandatory Proposal contents in sequence:

- a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
- b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. NOTE NEW REQUIREMENT: The proposal must contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.
- c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the person(s) named in 4b above along with adequate staff to meet the requirements of work.
- d) A list of State, University of Minnesota and/or other public municipality current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. NOTE: Particular emphasis should be given to projects involving food service and/or residential projects, particularly those involving facilities for children.
- e) A section containing graphic materials (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.
- f) A fact-finding day has been set aside (Friday, 21 April 1995, 10:30 a.m.) for the firm(s) which wish(es) to gain specific information about LLCC and the elements of the capital improvement project. Principal designers, or their designees, may call Long Lake Conservation Center directly to make arrangements for attending the fact-finding session and to receive directions to LLCC—(218) 768-4653. Attendance at this event is **NOT** a condition for consideration.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

## Non-State Public Bids, Contracts & Grants

### 5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
  - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the Aitkin County Parks Commission's Selection Committee's review must follow the following procedure:
- a) Enclose a self-addressed stamped mailing envelope with the proposals. When the Aitkin County Parks Commission's Selection Committee has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Aitkin County Parks Commission's Selection Committee will retain one copy of each proposal submitted.

Any questions concerning the Aitkin County Parks Commission's Selection Committee's procedures, their schedules for the project herein described or the fee format form will be addressed during the above-described fact-finding session on 21 April 1995 or may be referred to Robert Schwaderer at Long Lake Conservation Center.

### 7) PROJECT - LLCC.2000

Capital Improvement Project

Palisade, Minnesota

\$3.2 M Construction

\$4M Total Project

### GENERAL DESCRIPTION OF PROJECT

To construct Dining and Dormitory Facilities along with ancillary structures on the campus at Long Lake Conservation Center, near Palisade, Minnesota.

### PROJECT DETAILS

This project will include the following elements:

- 1) Design and construct a 250-seat dining hall, kitchen and classroom building which will include a dining area, food preparation and storage (cold & dry), unloading and solid waste areas, rest rooms, store and office, as well as classroom/storage facilities in the lower level.
- 2) Design and construct a 150-bed dormitory which will include bath and shower capabilities, storage, laundry area, and a meeting area (auditorium) with a seating capacity for 250 persons along with public restrooms and display area.
- 3) Design and construct a district heating plant/greenhouse complex which will provide hot water heat to the dining hall, dorm and two residences (wood and/or propane) and accommodate a tree nursery for up to 150,000 seedlings (tubelings).
- 4) Design and construct a staff/intern duplex residence which will provide living and sleeping accommodations for a family as well as up to eight temporary, seasonal and/or pre-professional staff members.
  - 5) Provide remodeling plans for retrofitting existing buildings to make them compliant with existent codes.
- 6) All facilities should be designed using techniques that will result in accommodations which complement a residential environmental education program, create an aesthetically-pleasing campus, be highly cost- and energy-efficient, and meet all codes and ADA standards.

## WORK TO BE PERFORMED BY THE DESIGNER

The work for this project will include planning, programming and designing of the remodeling to existing space and the addition of new space. The following items are included; the preparation of specifications, drawings and related documents, including chematics, design development documents, construction documents and bidding documents; presiding at the bid opening; the han-

# Non-State Public Bids, Contracts & Grants =

dling of contract documents and bidding documents; general supervision of the construction work for the owner, preparation of supplemental agreements; review and approval of shop drawing and pay request; and assisting in the final acceptance of the work. Fees for this work will be negotiated within the range of 6% to 8%.

### **DESIGNER'S QUALIFICATION**

The designer selected for this project should have a demonstrated track record in the design and construction of food service and multi-quarters residential facilities. The designer must have sufficient resources to design several phases at the same time in order to meet the needs of Long Lake Conservation Center.

NOTE: While total funding for this project is not currently in place, it is anticipated to be by the end of 1996. If funding is not received during this time, the request for proposal for this project will be canceled at no prejudice to Aitkin County or Long Lake Conservation Center. Long Lake Conservation Center is proceeding with the selection process to insure prompt design following any authorization to proceed.

Any questions concerning the Aitkin County Parks Commission's Selection Committee's procedures, their schedules for the project herein described or the fee format form will be addressed during the above-described fact-finding session on 21 April 1995 or may be referred to Robert Schwaderer at Long Lake Conservation Center.

Alice Dotzler, Auditor Aitkin County



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# Department of Administration

# **Print Communications Division**



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